

4746. Adulteration and misbranding of acid acetylo salicylic or aspirin. U. S. v. Wm. A. Webster Co., a corporation. Plea of guilty. Fine, \$200 and costs. U. S. v. Bernard Zar. Plea of guilty. Fine, \$350 and costs. (F. & D. Nos. 7239, 7239-a. I. S. Nos. 11513-1, 11639-1.)

On February 25, 1916, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in two counts against Bernard Zar, Memphis, Tenn., and on March 18, 1916, an information against the Wm. A. Webster Co., a corporation, Memphis, Tenn., alleging: (1) Shipment by the defendant Zar, on or about September 15, 1915, from the State of Tennessee into the State of Illinois, and on October 1, 1915, from the State of Tennessee into the State of Louisiana, of quantities of acid acetylo salicylic, which were adulterated and misbranded; and (2) shipment by the Wm. A. Webster Co., on or about October 1, 1915, from the State of Tennessee into the State of Illinois, of a quantity of said product, which was also adulterated and misbranded.

The shipment by the defendant corporation and the shipment by defendant Zar into Illinois were branded "25 Pounds—A.A.S."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Acetylsalicylic acid (per cent)-----	20.10
Lactose (per cent)-----	61.48
Starch (per cent)-----	17.36
Moisture (per cent)-----	2.22

The shipment by defendant Zar into Louisiana was labeled "500 5-Grain Tablets Acid Acetylo-Salicylic."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Starch -----	Present.
Acetylsalicylic acid:	
By weight (melting point 130° C.) (per cent)-----	17.60
By titration (per cent)-----	18.18
Reducing sugars as lactose (per cent)-----	60.00
Free salicylic acid-----	Trace.
Ash (per cent)-----	3.48
Talc -----	Indicated.
Acetylsalicylic acid (grains per tablet)-----	1.13
Shortage (per cent) -----	77.40

Adulteration of the article shipped by the defendant corporation and by defendant Zar to Illinois was alleged in the informations for the reason that it fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the can containing the article [branded] "25 Pounds—A.A.S.," which said designation "A.A.S." is known in the trade as "Acid Acetylo Salicylic" and is also known in the trade as "Aspirin," was offered for sale under the name of another article, to wit, "Genuine Acid Acetylo-Salicylic," whereas, in truth and in fact, it was an imitation of genuine acid acetylo salicylic. It was further alleged that the article was not the type of product represented on the said label, but was approximately only 20 per cent pure.

It was alleged in the second count of the information against defendant Zar with respect to the article shipped by him into the State of Louisiana that said article was adulterated and misbranded within the true intent and meaning of the Food and Drugs Act, and, further, that the article was not the type

of product represented in the label, but approximately only 20 per cent pure, and that the tablets labeled "5-Grain" did not contain five grains of acid acetylo salicylic.

On February 25, 1916, the defendant Zar entered a plea of guilty to the information that had been filed against him, and the court imposed a fine of \$175 on each of the two counts of the information, with costs, making an aggregate fine of \$350.

On March 18, 1916, the defendant corporation entered a plea of guilty to the information that had been filed against it, and the court imposed a fine of \$200 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*